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July 12, 2023

VIA ECF AND E-MAIL

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

MEMO ENDORSED

Re: Charles Johnson v. Clearview AI, Inc., et. al.
Case No. 1:23-cv-02441

Dear Judge Failla:

As you know, yesterday during our pre-motion conference, we alerted the Court that the Plaintiff was publishing offensive comments via social media about the Defendants, including Defendants' counsel. Clearview has previously registered its objection to Plaintiff's social media postings and harassing communications to investors via communications to Plaintiff's counsel, in both March and May of this year. Despite yesterday's hearing and our continuous requests for Plaintiff to cease engaging in this inappropriate conduct, Plaintiff posted the attached "tweet" yesterday evening, which contains an antisemitic comment regarding Defendants' counsel. He then sent the attached email to one of Clearview AI's investors and a member of Clearview's board, providing a link to his tweet and stating, in what can only be viewed as a threat, to "join in his effort" to "bankrupt" Clearview and its founders. We respectfully request the Court to direct Plaintiff to stop posting offensive comments about Defendants' counsel on public, online platforms, especially any remarks that relate to antisemitism, and to stop sending threatening communications to Clearview AI's investors and board members.

Thank you.

Respectfully Submitted,

GORDON & REES LLP

/s/ Ronald A. Giller

Ronald A. Giller, Esq.

RAG:MJB
Enclosures

The Court is in receipt of Defendants' above letter bringing to the Court's attention a July 11, 2023 Tweet by Plaintiff regarding this suit and defense counsel. The Court is concerned about the contents of the Tweet and whether it is Plaintiff's intent to use his social media platform to intimidate defense counsel or otherwise interfere with this suit. At the same time, the Court is mindful of - and does not wish to intrude upon - Plaintiff's First Amendment rights.

Plaintiff is ORDERED to file a response to Defendants' above letter on or before **July 14, 2023**.

Dated: July 12, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE